

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the Decisions of the)
Universal Service Administrator by)
)
Baraga Area Schools) File No. SLD-425432
Baraga, Michigan)
)
Schools and Libraries Universal Service Support) CC Docket No. 02-6
Mechanism)

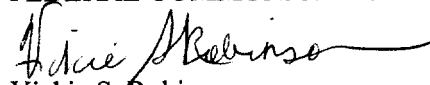
ORDER**Adopted: November 10, 2004****Released: November 12, 2004**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Baraga Area School, Baraga, Michigan (Baraga) seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ When Baraga filed its request with the Commission, it also had a Request for Review of the same decision on file with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss without prejudice Baraga's Request for Review to the Commission. Once the Administrator has issued its decision, Baraga may then appeal to the Commission if it believes such an appeal is warranted at that time.⁴

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on August 24, 2004, by Baraga Area Schools, Baraga, Michigan IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹ Letter from Lynn Ketola, Baraga Area Schools, to Federal Communications Commission, filed August 24, 2004 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Lynn Ketola, Baraga Area Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 2004.

³ 47 C.F.R. § 54.720 (providing that, when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).